

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Lavena Scott,

Civil Action No.: _____

Plaintiff,

vs.

NOTICE OF REMOVAL

Wal-Mart Neighborhood Market,

Defendant.

Defendant Wal-Mart Neighborhood Market (“Defendant”), files this Notice of Removal of the above-titled action to the United States District Court for the District of South Carolina, Orangeburg Division, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332. The action was filed in the Court of Common Pleas for Orangeburg County, South Carolina, Case No. 2021-CP-38-01458. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings, and orders served in this action. A copy of this Notice of Removal will be filed with the Clerk of Court for the Court of Common Pleas for Orangeburg County, South Carolina where the action is currently pending pursuant to 28 U.S.C. § 1446(b).

GROUND FOR REMOVAL

1. The above-titled action was instituted by Plaintiff through service of a Summons and Complaint filed on December 16, 2021, in the Court of Common Pleas for Orangeburg County, South Carolina. A copy of the entire contents of the Orangeburg County file in the State Court Action is attached hereto as Exhibit 1, pursuant to 28 U.S.C. § 1446(a). Defendant was served with the Summons and Complaint on December 20, 2021, by certified mail on the registered agent, CT

Corporation System. This Notice of Removal is being filed within thirty (30) days of the date of service on Defendant pursuant to 28 U.S.C. § 1446(b).

2. This Court's jurisdiction over this action is proper pursuant to 28 U.S.C. § 1441. This action could have originally been filed in this Court pursuant to 28 U.S.C. § 1332 because there is complete diversity between Plaintiff and Defendant. Further, Plaintiff does not allege any specific amount of damages in her Complaint and the amount in controversy as to Plaintiff's claim exceeds Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interests and costs.

3. At the time of commencement of the action Plaintiff was and, upon information and belief, remains a citizen and resident of South Carolina.

4. The proper Defendant was, and still is, a corporate entity organized and existing under the laws of a state other than South Carolina and having its principal place of business in a state other than South Carolina.¹ Specifically, pursuant to 28 U.S.C. § 1332(c)(1), the Defendant identified as "Wal-Mart Neighborhood Market" not a *sui juris* entity, but is a retail store operated by Wal-Mart Stores East, LP. Wal-Mart Stores East, LP, is a limited partnership of which WSE Management, LLC, is the sole general partner and WSE Investment, LLC, is the sole limited partner. The sole member of both WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, LLC. The sole member of Wal-Mart Stores East, LLC, is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in Arkansas.

5. Accordingly, Plaintiff is a citizen of South Carolina and the Defendant is a citizen of Delaware and Arkansas. Therefore, there is complete diversity of citizenship in this action.

¹ Compl. at ¶ 2.

6. Defendant provided counsel for Plaintiff written notice of the removal of this action and will provide a copy of the filed Notice of Removal to the Clerk of Court for Orangeburg County, as required by 28 U.S.C. § 1446(d).

7. Defendant files this Notice of Removal within thirty (30) days of the receipt of Plaintiff's Complaint in the state court action, which was the first pleading received by Defendant setting forth the claims for relief upon which this action is based.

WHEREFORE, Defendant respectfully submits this Notice of Removal.

s/Emmanuel J. Ferguson, Sr.

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January 18, 2022

Attorneys for Defendant